

to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SIMS,
Chairman.

Senator Frank moved to reconsider the vote by which the Senate concurred in the House amendments to Senate bill No. 62, a bill to be entitled "An act to amend sections 1, 5 and 15 of an act entitled an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof, approved March 30, 1887."

The vote was reconsidered, and

On motion of Senator Frank,

The Senate refused to concur in the House amendments.

On motion of Senator Abercrombie, Substitute House bills Nos. 60, 170, 340, 341, 385, 395, 484, 414 and 462, a bill to be entitled "An act to amend chapter 2, title 15, of the Code of Criminal Procedure, by adding thereto article 1057a,"

Was taken up out of its regular order and read the second time.

On motion of Senator Field, the bill was postponed subject to call.

The following message was received from the house:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bill:

House substitute for Senate bill No. 191, a bill to be entitled "An act to amend section 1, chapter 4 of an act entitled an act to create the county of Brewster and provide for its organization, approved February 2, 1887. And also to amend section 1, chapter 38, of an act entitled an act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presidio, approved March 15, 1887, and to more particularly define, fix and establish the boundary lines of said counties,"

Under a suspension of the constitutional rule and by a two-thirds vote—yeas, 81; nays, none.

W. M. IMBODEN,
Chief Clerk House of Representatives.

On motion of Senator Allen,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, March 19, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Armistead,

Senator Johnson was excused for to-day, on account of important business.

On motion of Senator Upshaw,

Senator Jarvis was excused until Thursday, on account of sickness in his family.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed the following bill:

Substitute Senate bill No. 247, a bill to be entitled "An act to ratify and confirm the title of the Gulf, Colorado and Santa Fe Railway Company to the Central and Montgomery railroad, and to the Chicago, Texas and Mexican Central railroad, and to all property of the companies which constitute said roads, and to authorize the said Gulf, Colorado and Santa Fe Railway Company to own and operate said road under its charter," under a suspension of the constitutional rule and by a two-thirds vote, yeas, 77; nays, none; with an amendment; and

House bill No. 592 1-2, a bill to be entitled "An act to amend the act creating the Thirty-fourth judicial district, and fixing the terms of court therein, and all acts amendatory thereof," under a suspension of the constitutional rule and by a two-thirds vote, there being yeas, 77; nays, none.

The House has concurred in the Senate amendments to

House bill No. 194, being "An act to amend sections 2 and 6 of chapter 131 of an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers, passed by the Twentieth

Legislature, and approved April 2, 1887."

W. M. IMBODEN,
Chief Clerk House of Representatives.

PETITIONS AND MEMORIALS.

By Senator Claiborne:

Petition of two hundred and eighty-eight citizens of Galveston, asking the passage of House bill No. 371, "An act to regulate the practice of architecture."

Referred to the Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 244, being a bill to be entitled "An act to amend article 4466 of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 123, being "An act making appropriations for the support of State government for the years beginning March 1, 1889, and for other purposes,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Woodward:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

House substitute for Senate bill No.

191, entitled "An act to amend section 1, chapter 4, of an act to create the county of Brewster and provide for its organization, approved February 2, 1887, and also to amend section 1, chapter 38, of an act entitled an act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presidio, approved March 15, 1887, and to more particularly define, fix and establish the boundary lines of said counties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

WOODWARD,
Chairman.

Bill read first time.

By Senator Barges:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred

House bill No. 242, entitled "An act to attach Buchell and Foley counties to the county of Brewster for surveying purposes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURGES,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred

Senate bill No. 361, entitled "An act to provide for the valuation of locations heretofore made of certain land certificates issued to Confederate veterans who were disabled by wounds received in the service of this State or of the Confederate States, and to issue patents thereon, and also to validate locations for the permanent school fund made under act of April 9, 1881,"

Have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it do not pass.

All of which is respectfully submitted.

BERGES,
Chairman.

Bill read first time.

By Senator Townsend:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 332, entitled "An act to better protect the Capitol building and grounds, and to make it penal for any person not authorized by law to make use or have in their possession any key to any of the doors, gates or other opening in said buildings or grounds,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TOWNSEND,
Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator McDonald:

A bill to be entitled "An act to incorporate the city of Paris and to prescribe its duties and liabilities."

Referred to Judiciary Committee No. 1.

By Senator Morris:

A bill to be entitled "An act to amend title 7, chapter 2, Code of Criminal Procedure, by adding thereto article 416."

Referred to Judiciary Committee No. 2.

The President referred House bill No. 592 1-2 to Committee on Judicial Districts.

By leave, Senator McDonald sent up the following committee report:

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 367, entitled "An act to incorporate the city of Paris and to prescribe its duties and liabilities,"

Have had the same under considera-

tion, and instruct me to report it back to the Senate with the recommendation that it do pass.

The provisions of the bill are indicated in its caption.

All of which is respectfully submitted.

McDONALD,
Chairman.

Bill read first time.

Senator McDonald moved to suspend the constitutional rule requiring bills to be read on three several days to take up and place

Senate bill No. 367, "An act to incorporate the city of Paris, and to provide its duties and liabilities," on its second reading.

Adopted by the following vote:

YEAS—24.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glascock,	Upshaw,
Harrison,	Woodward.

NAYS—5.

Burney,	Simkins,
Field,	Townsend.
Pope,	

The bill was laid before the Senate, read the second time and ordered engrossed.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 367, being "An act to incorporate the city of Paris, and to prescribe its duties and liabilities,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

On motion of Senator McDonald, The constitutional rule was suspended again to put the bill on its third reading and final passage

By the following vote:

YEAS—26.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—3.

Barney,	Simkins.
Pope,	

The bill was read the third time and Passed by the following vote:

YEAS—27.

Abercrombie,	Kimbrough,
Allen	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend.
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Ingram,	

NAYS—none.

ABSENT—2.

Barney,	Simkins.
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After having publicly read their captions, the President gave notice of signing, and did sign, in open session of the Senate,

House bill No. 463, "An act entitled an act to amend an act to amend section 13 of an act entitled an act to amend section 13 of an act to re-district the State into judicial districts and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in No-

vember, 1884, approved March 31, 1885, approved March 23, 1887."

HOUSE CONCURRENT RESOLUTION.

Be it resolved by the House of Representatives, the Senate concurring, That the Superintendent of Public Buildings and Grounds is hereby authorized to remove the safe now in the Temporary Capitol, known as the State Treasurer's safe, into the office of the Superintendent of Public Instruction.

House bill No. 364, "An act to amend chapter 8, title 84 of the Revised Civil Statutes of the State of Texas by adding thereto article 4205a."

Substitute House bill No. 298, "An act to encourage irrigation and to provide for the acquisition of the right to the use of water, and for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation, and for mining, milling and stockraising in the arid districts of Texas," and

House bill No. 82, "An act to prescribe the time of holding the terms of the district court in the Eleventh judicial district."

On motion of Senator Maetze,

The regular order was suspended to take up

Senate bill No. 170, a bill to be entitled "An act to amend articles 186 and 186a of the Penal Code of the State of Texas, as amended by an act, approved April 2, 1887, passed by the Twentieth Legislature, regulating sales on Sunday."

The bill was laid before the Senate and read the second time, with a majority (favorable) and minority (unfavorable) report.

The committee amendment in the majority report was adopted.

Senator Townsend moved to

Amend by adding after the word "admission," page 2, line 21, the words: "Provided, it shall be unlawful for the proprietor, his agent or representative to keep open for the purpose of traffic or public amusement at any time on Sunday any of the above specified characters or kinds of public amusement; and any one so offending shall be punished as provided in this act."

Senator Maetze spoke in favor of the amendment and the majority committee report.

Senator Townsend's amendment was adopted.

(Senator Pope in the chair.)

Senator Upshaw moved to

Amend article 186 by adding "that the preceding article shall not apply to persons who conscientiously believe that the seventh or any other day of the week ought to be observed as the Sabbath, and who actually refrain from business and labor on that day for and on account of religious reasons."

Lost.

(Senator Kimbrough in the chair.)

Senator Sims moved to

Amend by adding after the word "afternoon," in line 13, page 1, as follows: "Or any saloon keeper or employe in any saloon or house where intoxicating liquors are sold, shall sell, barter or permit his house or place of business to be kept open any time on Sunday."

Senators Cranford, Simkins and Sims spoke in favor of the amendment.

Senator Burges spoke in opposition to it.

(The President in the chair.)

Senator Burges moved a call of the Senate.

Sustained.

Absent without excuse—Senators McDonald and Upshaw.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

Senators Upshaw and McDonald were announced at the door.

On motion of Senator Burney,

The call was suspended.

Senator Sims' amendment was adopted by the following vote:

YEAS—16.

Abercrombie,	Frank,
Allen,	Ingram,
Armistead,	McDonald,
Atlee,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend.

NAYS—13.

Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Glasscock,	Tyler,
Harrison,	Upshaw,
Kimbrough,	Woodward.
Lane,	

Senator Townsend entered a motion to reconsider the vote just taken.

Senator Frank moved to substitute

the minority (unfavorable) for the majority (favorable) report.

Senators Frank and Allen spoke in favor of the motion.

Senator Burges spoke in opposition.

The motion was lost by the following vote:

YEAS—13.

Abercrombie,	Frank,
Allen,	Ingram,
Atlee,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Stephens.
Finley,	

NAYS—16.

Armistead,	Maetze,
Burges,	Morris,
Burney,	Pope,
Field,	Sims,
Glasscock,	Townsend,
Harrison,	Tyler,
Kimbrough,	Upshaw,
Lane,	Woodward.

The Senate was notified by the Governor of the appointment of the following notaries public:

ANGELINA COUNTY.

Homer—W. J. Townsend.

BLANCO COUNTY.

Rough Rock—J. R. B. Fairchild.
Round Mountain—W. Wedenkind,
H. D. Boozer.

Johnson City—J. R. Brown.

Blanco—John W. Speer, Lambert Koeniger, J. G. Baldwin, J. O. Roundtree, P. F. Appell, J. W. Baines, Sam W. Brown, H. M. Jackson.

Cypress Mills—J. R. Kellersberger.

Sandy—J. A. Durbin.

COMAL COUNTY.

New Braunfels—F. Hampe, Herman Clemens, I. D. Guinn, H. E. Fisher, Frederick Hayes, F. W. Schweppe.

CALDWELL COUNTY.

Dale—D. V. Chamberlain.
Luling—C. H. Brown, I. N. Bishop, F. C. Cross, J. W. Campbell, J. N. Stagner.

Elm Grove—J. B. Cole.

Lockhart—H. C. Chapman, A. B. Storey, S. S. McDowell.

Delhi—R. K. Taylor.

GUADALUPE COUNTY.

Seguin—L. D. Lawther, P. S. Sowell, O. H. Gregg, Emil Mosheim, A. Erskine, A. C. Williams, F. C. Weinert, E. S. Carpenter.

Kingsburg—Robert McNutt, W. J. Auriett.

Prairie Lea—Thomas D. James.

York's Creek—Oscar Stark.

Marion—Gustave Conrad.

Cibolo—William Vardenbaumen.

Staple's Store—G. M. Autry, S. M. Holmes.

HAYS COUNTY.

Wimberley—H. C. Hubbs, W. M. Wyatt.

Dripping Springs—J. C. Rowe.

Kyle—C. C. Storts.

San Marcos—O. T. Brown, I. H. Julian, J. S. Reed.

KENDALL COUNTY.

Kendalia—C. G. Vogel.

Boerne—Jno. T. Graham, Henry Theis, Henry J. Graham.

Comfort—Theo. Weidenfeldt.

Guadalupe—F. Hofheing.

LLANO COUNTY.

Llano—Charles L. Lauderdale, J. W. Davis, W. T. Dalrymple, James Flack, William Kyle, W. N. McInnis.

Click—S. B. Luckie.

Field Creek—John McLeod.

Valley Springs—Joe F. Brown.

Lone Grove—Y. J. Delavan.

Pack Saddle—H. J. Reynolds.

Ox Ford—A. J. Johnson.

BOSQUE COUNTY.

Walnut Springs—A. W. Stokes.

Fowler—A. G. McMahan.

Walnut Springs—Frank Utham.

COLLIN COUNTY.

McKinney—J. W. Ray, Jas. H. Jenkins.

COLORADO COUNTY.

Columbus—J. H. McLean, R. E. Farmer, A. A. Gregory.

DENTON COUNTY.

Little Elm—S. J. Hawkins.

GONZALES COUNTY.

Gonzales—T. F. Harwood.

GRIMES COUNTY.

Anderson—B. B. Thorp.

HILL COUNTY.

Hillsboro—J. M. Johnson.

Mertens—S. L. Laughridge.

HAMILTON COUNTY.

Ohio—W. M. Ballard.

Hamilton—M. S. Brunk.

CORYELL COUNTY.

Boaz—J. W. Dunn.

Gatesville—Owens Miller.

LAVACA COUNTY.

Hallettsville—Obed H. Kirkland.

Sublime—W. M. Garner.

Oak Grove—B. J. Hermann.

Ezzell—R. J. Putney.

Moulton—M. H. Allis.

Hope—H. F. Kuhne, C. C. Haynes.

MORRIS COUNTY.

Belden—S. G. Ledbetter, J. H. Mathews, C. B. Taylor, B. R. Watts.

Daingerfield—J. A. Hinnant, W. E. Moore.

Omaha—J. H. Johnson.

Cason—D. A. (Doc.) Russell.

MATAGORDA COUNTY.

Hardeman—Wm. Nye.

SECOND SENATORIAL DISTRICT.

Cherino—H. V. Fall.

SAN AUGUSTINE COUNTY.

San Augustine—L. V. Greer.

Hemphill—A. D. Hamilton.

SABINE COUNTY.

Sexton—James F. Willis.

SHELBY COUNTY.

Joaquin—J. M. Bell.

Center—A. W. Oliver.

Short—J. T. Jones.

MITCHELL COUNTY.

Colorado—Ivy H. Bundy.

SAN SABA COUNTY.

San Saba—James T. Waters.

BROWN COUNTY.

Brownwood—Lipscomb Norvell.

JONES COUNTY.

Anson—George F. Williams, W. M. Smith, J. W. Linx, B. Frank Buir.

COMANCHE COUNTY.

Comanche—Eugene Greer, S. B. Russell.

Fleming—W. R. Norwood.

RUNNELS COUNTY.

Bullinger—B. M. Burks.

NOLAN COUNTY.

Sweetwater—J. F. Eidson.

CALLAHAN COUNTY.

Baird—D. H. Palmer.

STONEWALL COUNTY.

D. L. Flynt.

TITUS COUNTY.

Cookville—W. A. Kieth, D. R. Reynolds.

Monticello—J. H. Crain.

Barrett—A. J. Moulton.

Crescent—J. F. Wilkinson.

Ripley—J. H. Hood.

Goolsboro—V. Vanhooze.

Green Hill—W. R. M. Slaughter.

Gray Rock—A. M. Temple.

Mount Pleasant—H. Snodgrass, H. S. Suggs, T. S. Pittman, S. P. Adams, C. L. Dillahunt, G. W. Bistline, Jefferson D. McLean, J. G. W. Wood, George F. Conley, W. H. Crawford.

HAMILTON COUNTY.

Hamilton—J. A. Eidson, Tom C. Pierson.

Fairy—W. B. Quarles.

Hico—T. H. Snider, J. A. Keaton.

Gentry's Mill—W. W. Lynch.

Evant—E. Brooks.

McGirk—T. J. Crews.

BELL COUNTY.

Belton—D. E. Patterson, W. Y. McFarland, H. C. Surgnon, J. F. Fuller, W. E. Rosborough, W. T. Shannon, J. H. Scales, W. W. McCampbell.

Temple—E. W. Abrahams, Wm. P.

Rylander, J. L. Gray, T. E. Sanford, W. J. McCausland.

Oenaville—S. W. Lawrence, J. L. Flanniken.

Youngsfort—B. F. Fields.

Rogers—W. T. Brooker, F. M. Chandler.

Maxdale—J. F. Hunt.

Bartlett—A. Moss.

Holland—W. S. Jones, J. R. Rucker.

Sparta—F. D. Smith, T. E. Tomlinson.

MILLS COUNTY.

Goldthwaite—George Whitaker, H. S. Thomas, J. R. Cowles, J. B. Head.

Star—E. A. Street.

Center City—A. V. Patterson.

Mulleh—J. J. Cox.

CORYELL COUNTY.

Gatesville—S. B. Hawkins, Owen Miller, J. H. Harrison, J. C. Chrisman, J. C. O'Bryan.

Eagle Springs—John W. Cook.

Oglesby—W. C. Norton.

Jonesboro—W. L. Jones, D. P. Slay.

Boaz—J. W. Dunn.

The Grove—W. J. Graham.

Osage—W. J. G. McIlhaney.

Coryell City—Leonore Little.

LAMPASAS COUNTY.

Lampasas—W. B. Abney, Lewis Wood, I. N. Hamon, James Deering, A. McFarland, Selden Duncan, W. F. Gilbert, John Green, A. G. Walker, J. C. Russell, H. E. Cullom, Charles F. Greenwood, J. A. Adkins, W. E. Adkins, E. Brown, Webster Miller, W. M. Cain.

WHARTON COUNTY.

Pierce Station—George S. Hamilton.

On motion of Senator Pope,
The Senate adjourned till 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

On motion of Senator Seale,
Senator Morris was excused for the afternoon.On motion of Senator Kimbrough,
Senate bill No. 364, entitled "An act

to amend an act, to amend articles 8 and 14 of an act entitled an act to re-district the State into judicial districts, and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Fortieth judicial district of the State of Texas, fixing the time for holding court therein, and provide for the appointment of a district judge for said district as amended by the Nineteenth Legislature, approved March 27, 1885,"

Was taken up out of its regular order. The bill was laid before the Senate, read the second time and ordered engrossed.

Senate bill No. 123, a bill to be entitled "An act making appropriations for the support of the State government for years beginning March 1, 1889, and ending February 28, 1891, and for other purposes,"

Was laid before the Senate and read the third time.

Senator Armistead offered the following amendment:

"To reimburse to the Institute for the Blind the amount of the appropriation drawn on forged vouchers, eleven hundred and thirteen dollars."

The amendment was adopted by the following vote:

YEAS—26.

Abercrombie,	Harrison,
Allen,	Ingram,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.

NAYS—None.

ABSENT—2.

Pope, Townsend.

Senator Tyler moved to

Amend under head of reformatory by adding thereto the following: "Salary of superintendent from November 20, 1888, to March 1, 1889, five hundred dollars."

Adopted by the following vote:

YEAS—26.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—None.

ABSENT—2.

Atlee, Pope.

The bill passed by the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	Seale,
Burney,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—1.

Claiborne. ABSENT—2.

McDonald, Pope.

Senate bill No. 244, a bill to be entitled "An act to amend article 4466 of the Revised Civil Statutes of the State of Texas,"

Was laid before the Senate, read the third time and

Passed by the following vote:

YEAS—24.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	Seale,
Burney,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.

NAYS—2.

Claiborne, Finley.

ABSENT—2.

McDonald, Pope.

Senate joint resolution No. 16, "Joint resolution amending article 10, section 2, of the Constitution of the State of Texas "

Was laid before the Senate, read the third time and passed by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Seale,
Claiborne,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	• Woodward.
Ingram,	

NAYS—2.

Allen, Cranford.

ABSENT—1.

Pope.

The following reasons for the vote on the resolution were sent up:

I vote "yea" on Senate joint resolution No. 16, not that I believe the Constitution as it now stands inhibits the Legislature from creating a railroad commission, but to give the people of Texas a chance to make the Constitution so plain on this question that there can be no possible room for any constitutional quibble hereafter.

KIMBROUGH.

I vote "no," and my reasons are the same as when I voted against the engrossment of the resolution.

ALLEN.

We vote "yea" on the passage of Senate joint resolution No. 16, proposing an amendment to article X, section 2, of the Constitution, authorizing the Legislature to regulate railroads by delegated power or otherwise; not because we believe there is any real necessity for such an amendment to the Constitution, but believe the warrant and authority for such legislation now exists and is conferred by the Constitution, but, as many contend,

for a different construction. We are willing to submit this resolution to a vote of the people that it may be passed upon and put to rest the disputed question of delegated legislative authority in the control of railroads.

FRANK,
FINLEY,
FIELD.

I vote "no" because I believe that the Constitution as it now stands is sufficient to warrant the Legislature in creating a railroad commission. I favor a railroad commission because I believe that it is the only way in which justice can be done alike to the people and the railroads, and I can see no reason why we should go to the expense of amending our organic law in order to do that which, in my opinion, we already have ample constitutional authority to do.

CRANFORD.

On motion of Senator McDonald, Senator Armistead was excused for the remainder of the evening.

By leave,
Senator McDonald sent up the following reports:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate;

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 358, entitled "An act to amend article 2231 of the Revised Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate;

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 360, entitled "An act amend article 2257 of the Revised Civil Statutes of the State of Texas and to add thereto article 2257a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 359, entitled "An act to amend an act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or acting corporations or associations doing business within the State, and to provide the mode of serving process on such corporations or associations,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 471, entitled "An act to validate certain notarial acts in the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 354, entitled "An act to compel all corporations for profit chartered by law of this State or doing business in this State to pay the wages of their employes promptly and fixing amount of liquidated damages for failure to pay same,"

Have had the same under considera-

tion, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 302, entitled "An act to prevent the duplication of process for witnesses in felony cases,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Referred to Judiciary Committee No. 2.

COMMITTEE ROOM,
AUSTIN, March 18, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 357, entitled "An act to amend article 4247, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

Senator Crawford sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 197, being "An act to amend article 4520 of chapter 1, title XCI. of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed:

CAMPBELL,
Chairman.

By leave,
Senator Atlee sent up the following bill:

To be entitled "An act to amend an act to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28 of said act, approved February 26, 1885."

Referred to Committee on Judicial Districts.

Substitute Senate bill No. 247, a bill to be entitled "An act to ratify and confirm the title of the Gulf, Colorado and Santa Fe Railway Company to the Central and Montgomery railroad, and to the Chicago, Texas and Mexican railroad, and to all property of the companies which constitute said roads, and to authorize the said Gulf, Colorado and Santa Fe Railway Company to own and operate said roads under its charter."

Was laid before the Senate with the House amendments.

On motion of Senator Pope.

The Senate refused to concur in the House amendments.

Senate bill No. 300, "An act to amend article 4463 of the Revised Statutes,"

Was laid before the Senate and read the third time.

Senator Woodward offered the following amendment:

Section —. The near approach of the close of the present session of this Legislature, and the evils intended to be remedied by the passage of this act creates an imperative public necessity requiring the constitutional rule requiring that all bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted by the following vote:

YEAS—25.

Abercrombie,	Burney,
Allen,	Claiborne,
Atlee,	Cranford,
Burges,	Davis,

Field,
Finley,
Frank,
Glasscock,
Harrison,
Ingram,
Kimbrough,
Lane,
Maetze,

Pope,
Seale,
Simkins,
Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

NAYS—None.

ABSENT—3.

McDonald,

Townsend.

The bill passed by the following vote:

YEAS—20.

Abercrombie,
Allen,
Atlee,
Burges,
Burney,
Cranford,
Davis,
Field,
Finley,
Glasscock,

Harrison,
Ingram,
Lane,
Maetze,
Pope,
Simkins,
Sims,
Stephens,
Upshaw,
Woodward.

NAYS—3.

Claiborne,
Frank,

Kimbrough.

ABSENT—4.

McDonald,
Seale,

Townsend.

At his own request, Senator Tyler was excused from voting.

After having publicly read its caption, the President gave notice of signing and did sign in open session of the Senate.

House bill No. 194. "An act to amend sections 2 and 6, of chapter 131, of an act to provide for the appointment of receivers and to define their powers and duties, and to regulate proceedings under such appointment of receivers as passed by the Twentieth Legislature and approved April 2, 1887."

Senate bill No. 26, a bill to be entitled "An act to authorize counties to fund their indebtedness and to provide means to pay the same,"

Was laid before the Senate.

(Senator Lane in the chair.)

The bill was read the third time, and passed by the following vote:

YEAS—23.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—1.

Claiborne.

ABSENT—4.

McDonald,	Townsend.
Seale,	

On motion of Senator Harrison,
The regular order of business was
suspended to take up

Senate bill No. 332, a bill to be entitled "An act to better protect the Capitol building and grounds and to make it penal for any person not authorized by law to make, use, or have in their possession any key to any of the doors, gates or other openings in said buildings and grounds,"

By the following vote:

YEAS—25.

Abercrombie,	Ingram,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	Pope,
Burney,	Seale,
Claiborne,	Simkins,
Cranford,	Sims,
Field,	Stephens,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	Woodward.
Harrison,	

NAYS—None.

ABSENT—3.

Davis,	Townsend.
McDonald,	

The bill was laid before the Senate
and read the second time.

(The President in the chair.)

Senator Pope moved to

Amend so as to provide that any
person who may have secured access
to the Capitol building in the manner
prohibited by this act shall not be al-

lowed to escape through the windows.

On motion of Senator Townsend,
The amendment was laid on the
table.

The bill was ordered engrossed.

On motion of Senator Stephens.

Senate bill No. 143, "An act to be
entitled an act to provide for leasing
the unorganized county school lands,"

Was taken up out of the regular
order and read the second time.

The first committee amendment was
adopted.

Senator Finley offered the following
amendment to the second committee
amendment:

Amend the second committee
amendment by inserting before the
word "three," the words "not less
than."

Senator Kimbrough offered the fol-
lowing amendment to the amendment:

"Make the lease price not less than
two and one-half cents."

Accepted, and amendment as
amended adopted.

On motion of Senator Stephens the
second committee amendment as
amended was rejected.

The third and fourth committee
amendments were adopted.

Senator Glasscock offered the follow-
ing amendment:

Amend section 1 by adding thereto
the following: "Or set apart to any
county which may hereafter become
organized; provided such organized
county shall be bound by a lease exist-
ing prior to the organization of such
county for the term of such lease."

Adopted.

Senator Finley offered the following
amendment:

Amend section 2, line 13, by insert-
ing before the word "two" the words,
"not less than."

Adopted.

Senator Allen offered the following
amendment:

In line 2, section 2, change "5 to 3
and 7 to 5."

Lost.

The bill as amended was ordered en-
grossed.

On motion of Senator Glasscock,

Senate bill No. 335, a bill to be en-
titled "An act to provide for a board to
contract for, direct and super-
vise the lighting of the Capitol
building, fencing and improving the
Capitol grounds, and to make an ap-
propriation therefor,"

Was taken up out of the regular or-
der and read the second time.

Senator Townsend moved to

Amend line 9, page 6, after the word

"necessary," the words "payable to the State of Texas."

Adopted.

Senator Claiborne offered the following amendment:

In line 2, section 5, page —, strike out "eighty thousand" and insert "sixty thousand."

Adopted.

The bill, as amended, was ordered engrossed.

On motion of Senator Claiborne,

Senate bill No. 306, a bill to be entitled "An act to create a board to purchase or condemn for the State half blocks Nos. 159 and 160, lying north of the State House, in the city of Austin, Texas, for the purpose of enlarging the Capitol grounds, and to authorize the appointment of commissioners to assess the value and condemn said property for the State, and to fix the salary of said commissioners, making an appropriation to pay the salary of such commissioners, and for the purchase and condemnation of said property and cost of proceedings," was taken up out of the regular order and read the second time.

(Senator Seale in the chair.)

The Senate refused to engross the bill by the following vote:

YEAS—10.

Atlee,	Pope,
Burges,	Simkins.
Burney,	Townsend,
Claiborne,	Upshaw,
Glasscock,	Woodward.

NAYS—11.

Allen,	Lane,
Cranford,	Maetze,
Davis,	Seale,
Finley,	Stephens,
Frank,	Tyler.
Kimbrough,	

ABSENT—6.

Abercrombie,	Ingram,
Field,	McDonald,
Harrison,	Sims.

Senator Kimbrough entered a motion to reconsider the vote by which the Senate refused to engross the bill.

By leave,

Senator McDonald sent up the following report:

COMMITTEE ROOM,
AUSTIN, March 19, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 369, entitled "An act to amend an act to re-enact section 28 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28 of said act, approved February 26, 1885,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

McDONALD,
Acting Chairman.

Bill read first time.

On motion of Senator Harrison,
The Senate adjourned till 10 o'clock a. m. to-morrow.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, March 20, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Stephens,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Seale,

Senator Morris was excused indefinitely, on account of sickness.

On motion of Senator Glasscock,

A. J. Dorn, Doorkeeper, was excused indefinitely, on account of sickness.

On motion of Senator Frank,

Senator Harrison was excused for to-day, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Woodward:

Petition of Farmers' Alliance, Mission Valley, Victoria county, recommending a maximum freight rate of twenty-five cents for first hundred miles and twelve and a half cents for each additional one hundred miles on railroads.